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April 12, 2024

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Hon. Miroslav Lovric

Magistrate Judge

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Northern District of New York District Court

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Federal Buildings and U.S. District Court

15 Henry Street

Binghamton, NY 13901

RE: Kearns v. Wallin and Syracuse University
NDNY Civil No.: 5:23-cv-01500 (DNH-ML)

Dear Judge Lovric,

We represent the Plaintiff in this matter. Per Your Honor's direction we are providing a status and our position in this matter.

Pursuant to the Liquidation and Injunction Order of the Delaware Court of Chancery dated November 8, 2023, this matter was stayed for 180 days. This means that the stay is due to expire May 6th, 2024.

Counsel for Syracuse University has advised that on March 1st, 2024 an Order to Show Cause was signed in Matter Harris, Superintendent of Financial Services of the State of New York, for an Order of Appointment as Ancillary Receiver of Arrowood Indemnity Company, New York County Index No. 450124/2024. Counsel further advised that the Order to Show Cause, seeks the commencement of a New York ancillary receivership proceeding for Arrowood and appointment of Superintendent Harris as ancillary receiver of Arrowood, as well as a stay of the matter for a period of 180 days in all actions and lawsuits against insureds of Arrowood or in which Arrowood is obligated to defend an insured.

Indeed, a review of the petition filed in the matter referenced above, paragraph 17 requests an order pursuant to Insurance Law Section 7419(b) temporarily staying all litigations against insured of Arrowood, or in which Arrowood is obligated to defend an insured or provide defense to a party pursuant to an insurance policy for a period of 180 days from the date that the order commencing the receivership is signed.

Per my review of the docket in *In the Matter of the Application of Adrienne A. Harris, Superintendent of Financial Services of the State of New York, for an Order of Appointment as Ancillary Receiver of ARROWOOD INDEMNITY COMPANY*, as of today, there has been no order granting the relief sought in the petition, as such, it is plaintiff's position that once the 180 stay is lifted on May 6th, 2024 this matter should proceed.

Respectfully,

LaFave, Wein & Frament, PLLC

By:



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